

REMARKS

Claims 1-21 are currently pending.

Claims 14-21 have been rejected under 35 USC §112, second paragraph. These claims have been amended to recite to the “apparatus” and should now overcome the §112 rejection.

Claim 1 has been amended to clarify the invention.

Claims 1, 2, 4-6 and 12-16 are rejected as being anticipated by Heidel (EP 0769769) and claims 1, 7-11, 17 and 18-21 are rejected as being unpatentable over Heidel in view of Fertitta, III et al. (6,302,793 B1). The key patent is the Heidel patent owned by Ballys Gaming International, which the Examiner reads as teaching the idea of using a video overlay device to present player tracking data on the main display of the gaming machine. Applicant disagrees with this characterization on the grounds that Heidel does not disclose a video overlay device but simply teaches generating a display image in the first instance that includes player tracking data and the game image. In other words, Heidel could not be used to retrofit existing gaming machines without completely replacing the gaming machine display controller. In the current invention, only a supplemental controller board need be added and the original gaming display controller need not know of the existence of the supplemental board.

The claims in the patent are directed to a method and apparatus for displaying player account information on the main display of the gaming machine as opposed to on a separate VFD. Briefly, the invention contemplates generating an original game image, and overlaying a second image (e.g. a player account image) on the original image thus resulting in a combined image. It is this combined image that is displayed on the main gaming machine display.

The Examiner points to the video controller 56 shown in FIG. 2 of Heidel and described on col. 5, lines 17-21. However, we can find no such mention of a video overlay device specifically and, in fact, claim 15 (col. 9, lines 9-16) recites to a video display having control means that comprise a game memory and a control memory for displaying a game, where the game includes game control touch areas. This claim does not seem to indicate that a video game image is created, and then an overlay image is created, and that the images are combined. Rather, the claim seems to indicate that a complete image is generated in the first instance. It was not known in the industry to use a video overlay device, and to applicant’s knowledge Ballys never used such a device. There is only one video controller (element 56) disclosed; the touch screen controller 60 only operates to interpret presses positions on the touch screen and does not itself create an image.

Accordingly, rejection of the claims on the basis of the Heidel patent would be improper because Heidel does not, *inter alia*, teach the steps of or include structure for:

Claim 1:

generating in first display electronics game display information to create an original image;

generating in second display electronics player account display information to create an overlay image; and

combining the original image with the overlay image to create a combined image.

Claim 12:

said communication means including supplemental commands operative with said gaming electronics to combine said game image with a player tracking image

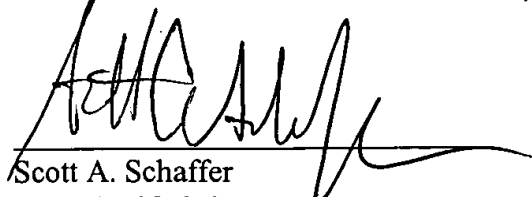
Claim 13:

a video overlay device interposed between said gaming electronics and said game video display to overlay the player tracking data received from the host computer on top of the game image received from the gaming electronics.

For the foregoing reasons, reconsideration and allowance of claims 1-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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